

THE REPUBLIC OF TRINIDAD AND TOBAGO:

**IN THE HIGH COURT OF JUSTICE
(FAMILY AND CHILDREN DIVISION)**

**FAMILY COURT:
FH01953/2017**

BETWEEN

T R APPLICANT

AND

S-A F RESPONDENT

**Before: The Honourable Madam Justice Allyson
 Ramkerrysingh**

Appearances: Mr. Robert Boodoosingh for the Applicant
 Ms. Carrie-Anne Griffith for the Respondent

Hearing Dates: 28.06.2018; 01.10.2018; 10.04.2019

JUDGMENT GIVEN ON: 9 May 2019

Introduction

1. The Applicant father (referred to as “F” in this judgment) filed an Application and supporting affidavit on 11 August 2017, seeking permission to remove proceedings numbered FM00478/2016 initiated in the Family Court Magistrate’s Division as it then was, to the High Court Division. By those proceedings the Respondent mother before me (“M”) had applied for access to the subject child, S and F counter-applied for maintenance. Now, F was before me asking that the case be transferred to the High Court Division, to deal with the issues of custody, access and maintenance. Four days later he filed a Certificate of Urgency to have the matter deemed fit for vacation business.
2. My sister Justice Wilson, sitting as Vacation Court Judge, heard the Application on 22 August 2017. The matter was adjourned to 4 September 2017 and further adjourned by me to 5 September 2017. On 5 September 2017, I made the transfer order based on the brief evidence filed by F, stating that S was being subjected to abuse meted out by M and members of her family. I adopted the Interim Order of Magistrate Espinet dated 4 July 2017 for weekend access to M hereafter referred to as the Interim Order, until the determination of the substantive issues. I directed F to file a proper Application Relating to Children and gave consequential directions for responsive documents to be filed by M.
3. Although Part 35 of the FPR allows for the removal of matters from the Magistrates’ Court to the Family Court, it is my view that

F was only engaged in forum shopping, which makes a mockery of section 46 of The Family Law (Guardianship of Minors, Domicile and Maintenance) Act Ch 46:08. I have discussed this in more detail later in the judgment.

4. It is my judgment that F was abusive to M throughout their relationship, which caused her to flee with S. F has not convinced me that he wanted the best for S when he failed to return her to M's care, after he collected her from M during a period of S's illness and thereafter prevented her, whether directly or indirectly, from seeing the child for over a year. It is also my judgment that he kept S away from M and prevented her from seeing the child in an effort to control and/or punish M after their relationship ended.
5. I find that F manipulated the judicial system in a bid to ensure that all parental rights were taken away from M. He has given no plausible reason to justify this stance. This untenable situation will be righted and a new parental course set for both parties that would allow S to enjoy the active involvement of both parents. Custody will be given to M and S shall share equal time with both parties.

Factual Background

6. The parties shared a live-in relationship for about seven years from 2009 to 2016. S was born to them in 2011. F alleges that M left the home several times during the relationship taking S with her, in order "*to satisfy her selfish desires*", but he did not elaborate

on what those desires were, except to say vaguely, that he believed that she was unfaithful. On 27 February 2016, M left the family home for the last time and went back to her parents' residence. She alleges that the reason for her leaving the home on the occasions that she did, was due to F's physical abusive. She made several police reports against him, some of which she exhibited and on one occasion she had to seek refuge at a safe house.

7. In his reply F denied being abusive to M. He contends that M would regularly ill-treat S and neglect her. He further states that M's family home does not have proper accommodation for S, alleging that she sleeps on the floor and is victimised by other family members who reside there. He complains too, that M often leaves S in the care of her relatives to attend parties and go out with friends.
8. On 8 March 2016, S fell ill at school. M was called and collected the child. After spending the day with S, M contacted F to advise him of the child's illness and he agreed to keep her for the next two days, since he was off work. F avers that when he picked her up S was wearing a soiled school uniform and appeared to be very ill. He took her to receive medical attention and was told that S was undernourished and had gastroenteritis. Since then F has kept S in his care. He leaves her with his mother when he has to work.

9. M accuses F of refusing to allow her to visit or to have any contact with S, since he took her in March 2016. She attests that she was apprehensive to approach F to request access, because of his past abusive behaviour. Her first access only came a year later on 15 March 2017, when the Interim Order was made by Magistrate Espinet.

Credibility

10. The result of this case turns largely on the credibility of the parties, so I have analysed their evidence at some length. I apologise in advance for the prolixity of it, but I hope that the comparison puts some perspective on the weighing exercise I have applied.
11. Generally speaking, I prefer the body of evidence as presented by M, over that of F. She was consistent throughout and was a strong and confident witness, who remained poised and unshaken during her cross-examination. On the other hand, I found F's demeanour in court to be shrewd, calculating and hesitant.
12. There was much conflict between F's written and oral evidence. The most glaring example was that in his written evidence he denied ever being abusive, but when questioned by Ms Griffith he eventually admitted striking M, claiming that he did so in self-defence. It turned out that the circumstance that led to his act of "*self-defence*", was his reaction to seeing what he thought were love bites on M, commonly referred to as 'hickies'.

13. F implied that while they lived together, all the rows between them stemmed from her alleged infidelity, but he gave no details. Nothing that he said to excuse hitting M amounted to self-defence. What is alarming however is that, clearly F felt justified in responding violently to what he believed to be M's disloyalty. As the cross-examination continued it was evident that contrary to his initial denial, F did indeed engage in physical confrontations with M, which she had maintained all along.
14. I am careful to add here that the Probation Officer Ms Bartholomew, reported that he was a well-known member of his neighbourhood who was reputed to be abusive. Ms Bartholomew also recounted her interview with the school Principal, in which the latter related an incident when F assaulted M on the school compound.
15. F's credibility also arises around his declaration that when S lived with M she did not provide her with proper school lunches. In March 2016 he visited S at school. He claimed that he was accosted by the Principal who berated him, because the child was sent to school with a packaged soup meal that had to be prepared by a teacher and the teacher said that this was not the first time that S brought unsuitable lunch to school.
16. F went on to state that he purchased a Dinner Special for S from a Kentucky Fried Chicken outlet, part of which she ate and the rest she carried home. When next he spoke to her, S told him that M and other family members had taken the chicken meal from her and helped themselves to it.

17. M's version is the more credible one and I accept it. She avers that F went to the school demanding to see S's lunch kit, which indeed contained among other foodstuff, the soup. S had asked for the soup that day, as she had seen other children bringing the same for their lunchtime meal. The other food items in the lunch kit included juice, snacks, water and a Supligen drink. M contends that the teachers did not have an issue preparing soup meals for students, as the school was equipped with a kitchen and had often done so. In fact Ms Bartholomew questioned the teacher and the Principal about the incident regarding the soup, which corroborated M's version in every aspect. Ms Bartholomew reported that according to the teacher, the day of F's visit was the only occasion that S brought soup for lunch and that she was usually sent to school with proper meals.
18. M admits that F bought chicken for S but contends that it was purchased from Japs Fried Chicken Limited and not Kentucky Fried Chicken as stated by F, and consisted of one piece of chicken and French fries not a Dinner Special. It is hard to imagine a sensible adult purchasing a Dinner Special meal consisting of three pieces of chicken and French fries for a five year old, (the age S would have been at the time). I reject F's statements either that he purchased a dinner-sized chicken and chips meal for S or that M's family ate any leftovers.

19. The circumstances that led to S being placed in F's care also vary between the two parties. It is common ground that when M left the home for the last time in February 2016, she took S with her and returned to her parents' home. F deposed that M called him on 8 March 2016 to collect S as she was unwell. He collected the child who was clad in a *"dirty school uniform"* and carrying *"a school bag with books ... and an empty lunch kit"*. He said she was *"very ill and ... undernourished and had gastroenteritis"* and he took her for medical attention. He returned her to school on 14 March and was approached by the Principal who enquired about the payment of outstanding school fees, which he paid. None of this was substantiated.
20. Sequentially in his evidence, F then talks about the said Interim Order and goes on to describe the living conditions of M's home alleging that members of her family bully and curse S when she is there. He ended saying that he is fearful for S's life and welfare and that *"video evidence is also available"*. The video was not made available to the court until after the trial.
21. This is the totality of what F relies on, firstly to have the matter transferred to the High Court and secondly to seek an order that M should only be allowed supervised access and be ordered to pay monthly maintenance of \$800.
22. I consider this to be a manipulation of evidence and court process on F's part. He uses language just sufficient to get the court's attention, in what turned out to be a false bid to justify a Certificate of Urgency. At the same time hinting at more vital

information to be revealed at a later time via a video. A video, which on every occasion the court has asked to be made available, F delayed until the end of the parties' cross-examination, when he was then forced to ask for leave to show and which in the end, took his case no further.

23. Turning now to M's account of the changeover of custody to F: S was at school when she fell ill and the school officials called M to collect her, which she did. M carried her home and remained with her. She contacted F who said that he was going to be off work for the next two days and agreed to keep her. That was the last M saw of S until the Interim Order was made. S has been in F's custody since and before the Interim Order, he refused for a year to allow the child to see M. His past abusive behaviour deterred her from attempting to retrieve S from F.
24. In his Reply affidavit filed on 4 September 2017, F reasserted that he took S for medical attention and he relies on this for not returning her to M, as he was "*fearful for his (sic) daughter's health and care*" as the reason he "*took his (sic) child ...*". But if this and the fact that she was mistreated by M and her family are F's reasons for keeping the child, which is the essence of his case, the burden is on him to prove on a balance of probabilities that it was in fact so. He provides no evidence in support of the 'diagnosis' that S suffered from gastroenteritis or gastritis or that she was abused by M or that her relatives bullied S.

The Applicant's challenge to the Probation Officer's report

25. F challenged the contents of Ms Bartholomew's Report accusing her of being biased and against him. He sought and was granted leave to subpoena her to appear at the trial. She testified that during the interview stage, F had behaved badly wanting to control the process. She admitted that there was a disagreement between them and accordingly, she had asked another officer to prepare that part of the Report that pertained to F, in an effort to remove any bias or perceived bias she might have had. I am satisfied therefore that any complaint that F may have had against Ms Bartholomew was properly addressed.
26. In any event recommendations made by Probation Officers are not binding on the court. It is ultimately the court's mandate to make any final decisions based on the evidence of the parties. Therefore I dismiss F's complaints about Ms Bartholomew and the Report as unfounded.

Child Care

27. During the trial F said that even while they lived together M was abusive to S but accepts that he had never witnessed such abuse. He claims that M is not and had never been a good mother and that S has always been dirty in her care. There is nothing in the evidence to support this assertion.

28. I am a concerned about some of the principles that F claims that he has been introducing to S. M exhibited two pictures sent to her by F, one of S with a protruding tongue holding 15 bills each of \$100 denomination, spread in the shape of a fan and the other of her in a supine position covered with hundred dollar bills. When asked by Ms Griffith why he sent the pictures to M, he enigmatically replied that he wanted to show her (M) how S acquired money to buy a tablet, which was *“by doing good school work”*.
29. M’s recollection of F’s response to her enquiry as to the reason for sending her the pictures, was that he has money and now that S is with him she (S) no longer needs her (M). Having had the opportunity of observing these parties closely, I am again leaning towards M’s rendition.
30. F reiterated that he saw nothing wrong with the pictures, which is troubling in itself. He emphasized that *“It’s about values and what she needs in life.”* I find this a rather bizarre way to convey the value of money to a child, if that indeed was his intention. The manner in which he chose to teach S is more likely to bring about an undesirable effect. I find that F’s motives had nothing to do with imparting values and more to do with humiliating M. If as F claims these pictures were indeed meant to teach S the value of money, what was the point of sending them to M? I accept M’s interpretation that the sole purpose of F’s action was to flaunt his financial superiority and use it to demonstrate his statement that S does not need her.

31. F's mother MR moves between his home and that of another son who lives close by. Ms Bartholomew reported that MR assists F in caring for S everyday. The neighbourhood enquiries about F were not favourable however. There were reports of him being verbally abusive to MR and comments that he did not know how to treat the "*woman*" that he had.
32. M and her daughter from another relationship live in her childhood home with her parents Mr and Mrs F and two siblings. Mr and Mrs F have been married for 28 years and are devoted to S and support M in caring for her when she visits. Mr F is retired and is available at all times to supervise and transport S and her sister and cousins when they visit.
33. F criticised the accommodation available at M's home. Ms Bartholomew's Report described a four bedroomed residence in which M, her daughter from another relationship and S when she visits, sleep in one of the bedrooms. M's two sisters occupy the second and third rooms and her parents sleep in the fourth and largest of the bedrooms. The Report dated 25 October 2017 disclosed that the home was being extended. When M was cross-examined at the trial she said that she and her daughters now occupy a larger space than what was described in the Report. Mr Boodoosingh's line of questioning implied that M's parents benefit from the new space, but whether that is so or not, I am satisfied that there is now spacious accommodation for all the occupants.

34. From the descriptions provided in the Report the two homes are modest but adequate and are located in the same vicinity. Both parties have plenty of support from family members, living in close proximity to and/or in the same household. Ms Bartholomew's Report also suggests that S is comfortable and well looked after in both homes.
35. The Report pointed out that S was openly hostile and disrespectful to M in F's presence, but displayed quite the opposite reaction when he was not there. Ms Bartholomew gave an account of an interview with S that was conducted in the presence of both parties. When called into the room where M and F were already seated, S immediately went to F and when asked whether she loved them, S indicated that she loved F and did not love M. This is not surprising as it is my view that F has had a long time to influence S and I have no doubt that he has done so. Moreover, Ms Bartholomew said that S "*appeared forewarned and tense*" during that interview and refused to hug M when asked to do so. She continued that S "*burst into tears*" when asked why she did not hug M. To me this signifies that S is emotionally confused, in that she clearly does not wish to disappoint her father, but at the same time feels torn as to how she should treat her mother, in his presence.
36. Another issue that was not highlighted by either party but is of much significance to S's wellbeing, is the separation between her and her sister. The impact that this separation has had on the two sisters who are only two years apart in age cannot be ignored and if I am to take into account what is in S's best interest

measures should include an opportunity to foster a bond between the siblings.

The video

37. I return to the issue of the video. Early in his evidence F referred to a video recording as proof of the child's abhorrence towards M and her reluctance to spend time with her. He was given the opportunity to show the video but up to close of M's case the video was still not ready for showing. F reserved the right to re-open his case and sought further time to produce the video.
38. The video was finally shown on 5 October 2018, but adds nothing to the case other than to demonstrate and highlight the lengths to which F went in yet another attempt to denigrate M. The video showed S in an obvious state of distress, screaming and refusing to go with M when she came to collect her for access. It also showed a rather calm M walking slowly alongside S. M made no attempt to hold her hand, which no doubt in those circumstances would have made the child react more emotionally.
39. In my judgment the fact that F thought it fit to record S in such a state, rather than attempt to comfort her, demonstrates that he was more interested in building a case against M. His action belies any presumption that he had the child's best interest at heart. In my was so concerned about discrediting M that he chose to use the child's apparent distress to gather fodder against her. Had his intentions been sincere he would have reacted differently to S's distress.

40. Having read Ms Bartholomew's description of the difference in S's emotional display towards M in the absence and in the presence of her father, it is not surprising to see in the video that S's attitude to go with M was so uneasy. I have no doubt that this was in a bid to please her father.

Summary and findings

41. I find that F's retention of S was not at all justified. All the reasons he has stated for seeking custody do not stand up to scrutiny. There is no sound evidence of S being improperly fed or being physically abused while in M's care. All we have are F's unsubstantiated statements and hearsay utterances, which I reject. Moreover, Ms Bartholomew's Report does not reveal any concerns about S being in M's care.
42. F's allegation that S was injured by M, which he reported to the police and for which S needed medical attention was largely unsubstantiated. He produced neither a copy of the police report nor the medical certificate and when asked to do so replied that he could not as "*it was in the hands of the police*". As a police officer, F ought to be quite familiar with the duty and procedure required to produce both reports. It is my finding that he did not disclose the reports because they do not exist. In fact there is no evidence of F's assertion that M or any member of her family ill-treated S except what S has supposedly told him.
43. I appreciate that in family matters allowances are sometimes made in appropriate cases, to admit testimony that would otherwise be disallowed, particularly from that of a child, but

even so, attorneys must avoid an over-reliance on such evidence. Evidence that is pivotal to the issues to be decided should stand up to the probability test as far as practicable. This is not always easy to achieve in domestic situations, but where cases revolve around information emanating from a child or other third parties, simply stating that the child or individual has uttered a statement is hardly enough, without more, to persuade a court of its veracity or validity. There is little probative value in such an approach and I find that F's written and oral testimonies are replete with evidence that is unverifiable, but for which he could easily have obtained supporting or corroborating proof, if what he said actually occurred.

44. All things considered, it is my judgment that nothing that F has put before the court justifies him taking over custody from M and thereafter depriving her of access. It is most unfortunate that F sought to use, or in my view misuse, the injunctive process, based on what I have found to be exaggerated and falsified facts, to first, unreasonably remove the proceedings from Magistrate Espinet and more alarmingly, to prevent proper access between S and M. Now that the evidence has been ventilated in the trial, I am satisfied that F used an innocent situation to file a groundless, vexatious and unjust application simply to deprive M of custody for reasons that had little, if anything to do with her parenting of S.

45. The burden to prove his case on a balance of probabilities lies on F. He has not discharged this burden. He has made a number of statements on which he relies in support of his application that he should have custody and M should be resigned to supervised access. But apart from not having substantiated any of these claims, there is nothing that he has presented that warrants supervised access.

A word on Part 35 of the FPR – Transfer of matters

46. Save for procedural guidelines Part 35 of the FPR is silent as to reasons for the transfer of magisterial proceedings to the High Court and section 46 of the governing statute is no more transparent, except that both subsections 46 (1) and 46 (2) suggest that it is a discretionary exercise. As I see it where there is no distinction between the powers of the judge and magistrate in custody and access cases filed under the Family Law (Guardianship Maintenance and Domicile) Act, there is no need for a transfer unless there are complex issues involved. The former Magistrates (now Masters) who sit in the Family Court and Magistrates of the District Courts have jurisdiction to hear all cases relating to children under the FLA as provided by section 44.
47. Attorneys are to be cautioned against the overuse of section 46. It could not have been the intention of the legislators by some sections of the Act, to confer equal powers to Judges and Magistrates, while at the same time allowing matters to be randomly removed to the High Court. It is a discretionary exercise

but the requirement of supporting evidence by R 35.2 (3) implies that there must be some justification for the removal.

48. In most cases where judicial officers of both jurisdictions have equal powers and the matter is pending before the Magistrate, filing the same application before a judge is not likely to enhance the relief sought. If, on the other hand a husband or wife, prior to divorce proceedings had begun an application under the FLA before a Magistrate and one of them subsequently files a petition for divorce, it may be prudent to transfer the magisterial proceedings before a Judge to ensure a seamless, cohesive and comprehensive approach to the divorce proceedings.
49. Other situations that might warrant a transfer particularly to the Family Court apart from complexity, are the availability of the ancillary services attached to the Family Court; or where during the pendency of magisterial proceedings a child is to be made a Ward of Court; or if it becomes necessary to appoint a Guardian; or apply for a change of name. These are but a few examples, but each case will be considered on its own merits.
50. Far too often s. 46 applications are made, sometimes on the pretext of an emergency, like the instant case, which turn out to have no reason for the transfer, other than to forum shop in the hope that a Judge might rule in the applicant's favour. I implore Attorneys to consider their client's position in the lower court carefully, before duplicating proceedings that only result in timewasting and costs.

51. With the implementation of the Family and Children Division Act 2016 the Family Court no longer operates under hybrid jurisdictions, s 46 transfers within this sub-division of the High Court should be done less frequently. I hasten to add that it will always be open for cases to move between Family Court Masters and Judges when necessary (sections 13 and 14), but the reason ought not to be because of an underlying perception that one can get more or better redress from a Judge than a Family Court Master or Magistrate, in matters where they clearly have the equal authority.
52. Magistrate Espinet had ordered the Probation Officer's report and adjourned the case to 18 October 2017. But before the Return Date, F filed his transfer notice and affidavit and a Certificate of Urgency relying on what I have now found to be baseless allegations.
53. I appreciate that the matter before me commenced a few short months before the High and Magisterial divisions of the Family Court were combined into one High Court entity, but it is my finding that the transfer and the proceedings before me were filed only because F was unhappy with the turn of events before the Magistrate. He was displeased that Magistrate Espinet made the order for interim access. He accused the Probation Officer of bias. It is my finding that F anticipated an unfavourable outcome and simply wanted to try his luck with another court. I also conclude that his goal was to deprive M of access altogether. His motives were insincere and in my judgment he was more intent on punishing M, than in seeking S's best interest.

Conclusion

54. There is nothing in the evidence before me that persuades me that either of these parties cannot properly provide for S. She has spent the better part of three years in F's custody and while it is no longer blindly accepted that little girls must be brought up by mothers and little boys by their fathers, it is my view that it is in the best interest of any child that she has each parent in her life on as equal a footing that can be mustered, given proximity to homes, school and friends. It is heartening that within recent times more and more fathers are desirous of sharing parental responsibilities with mothers and I commend F for wanting to play this role.
55. In spite of my findings about F's credibility and questionable motives, I have no doubt that both parties love S. She has been performing well academically and had intimated to Ms Bartholomew that she missed and loved her mother. Having spent a prolonged period of time with F in the absence of M would undoubtedly have had a profound impact on S. She is bound to feel closer to him than to her mother, but from my observation of F, it would not surprise me if he had used this period of autonomy to sculpt S's feelings and emotions towards M.

56. Fortunately, both parties live in the same general vicinity, although from the description of the topography of the area may make it challenging to access one home from the other if one has to traverse it on foot. But the proximity is a positive aspect of this case that can be used to its full advantage.
57. Having spent the past three years in F's care a sudden and drastic change will not be in S's best interest. Neither would be in her best interest to restrict M's involvement in her life. It is time for S to rebuild a relationship with M. I condemn wholeheartedly F's retention of S for reasons, which I find were wholly exaggerated and/or manufactured. It is my judgment that he acted with the sole objective to punish or hurt M and not because she was an irresponsible or unfit parent.
58. A stern message must be sent to parents who abuse their parental rights for no other reason than to punish the other parent. Section 4 of the FLA gives parents equal status. In my opinion where it is evident that one parent is deliberately using his or her custodial leverage, to manipulate a child or control the amount and kind of access that child enjoys with the other parent, then custody may be reversed in order to give the child and the deprived parent a chance to build their relationship. It is my judgment that this is one such case.
59. Oftentimes the 'deprived' parent is more likely to allow the manipulative parent to have proper contact and in some cases it is that parent who may be better charged with custody. In this case it is my finding that F is far too controlling and is too

determined to keep M out of S's life. If he continues to have custody he is very likely to keep up his restrictions on M's parenting of S. On the other hand, I am satisfied that M is more likely to engage F in decision-making and such like, as long as he is receptive. F's personality would not easily lend to this kind of interaction and there is bound to be some resistance on his part. In those circumstances, I would want the parties to undergo some rigorous parenting counselling. In the meantime, M may have to forge on as best she can, until F shows some improvement in his willingness to cooperate.

60. The FLA only allows legal custody to be granted to one person. In my judgment M was exercising custody when F, without justification, took S and kept her, thereby depriving M of that right. For that reason and those discussed in this judgment the original position will be restored, but F's parental role will also be preserved.
61. In respect of maintenance, F's Form 8 filed on 5 September 2017 states that his net salary is \$7702. He has supplied no proof and apart from his personal expenses he has a monthly mortgage instalment of \$2500 (no documents submitted). If this sum is deducted from the \$7702, that leaves him with approximately \$5000. The Interim Order provides him with a further \$600 for the maintenance of the child. M did not file a Form 9 but Ms Bartholomew revealed in her Report that she earns \$3000 from her employment in a hardware store owned by a family member. This represents a little under half the amount of F's net salary. If

S is to spend more time with her, as I am minded to order, she would need some financial assistance.

62. In the circumstances I order as follows:
- a. Legal custody of the child shall be given to the Respondent.
 - b. The Applicant shall retain all such rights and duties comprised in legal custody, other than actual custody and shall share those rights and duties jointly with the Respondent.
 - c. The child shall have access with the Applicant and the Respondent as follows:
 - i. One month to be spent with each party alternating every month beginning with the month of June 2019 with the Respondent;
 - ii. Alternate weekends with each party from Friday after school to Monday morning beginning with Friday 10th May 2019 with the Respondent;
 - iii. Father's Day with the Applicant;
 - iv. Mother's Day with the Respondent;
 - v. Christmas Day alternating each year beginning with Christmas Day 2019 with the Respondent;
 - vi. Old Year's Day and New Year's Day alternating each year with Old Year's Day 2019 into New Year's Day 2020 with the Respondent.
 - d. The maintenance order of the 5 September 2017 do stand discharged forthwith.

- e. Each party shall be responsible for the maintenance and general upkeep of the child when she is in their respective care save that the Applicant shall pay the Respondent the sum of \$800 every two months to assist with the monthly maintenance of the child when she is in the Respondent's care.
 - f. The said sum of \$800 in the immediately preceding paragraph shall be paid by the Applicant to the Respondent from the 1st day of June 2019 and continuing on the first day of each other month until the child attains the age of 18 years, completes full-time or until further order.
 - g. Both parties shall be equally responsible for the child's educational needs including books, uniforms, extra-curricular activities, extra lessons and all school materials and supplies and all other school related expenses.
 - h. Both parties shall also be responsible for the medical, dental and optical expenses of the child.
 - i. The parties are referred to the Social Services Unit for counselling on co-parenting and improving communications skills.
63. On the question of costs, the Attorneys shall file written submissions by 6th June 2019.

Allyson Ramkerrysingh
Judge